

REMARKS

Claim 1 was rejected under 35 U.S.C. §102(a) as being anticipated by Japanese P 2001-29113A.

It is submitted that the structure in the reference which the Examiner identifies as the series of rings, do not receive screws. Neither is there any suggestion in the reference that screws are used in any manner. Claim 1 recites the lateral series of rings are alternated with ribbon-like connection plates as shown in FIG. 1. The cited reference has no ribbon-like connection plates alternating with rings. The Examiner identifies a connection plate 3 in the reference but it is a single unit and does not alternate with the series rings.

Each and every element set forth in the claim is not found in the cited reference and lifting of the rejection under 35 U.S.C. §102(a) is respectfully requested.

New claim 2 has been inserted herein to more fully protect the novelty of the present invention. The new claim recites a series of rings on each opposite end of a surgical device to be joined to the bone of a human patient. The rings are joined by a series of ribbon-like plates which alternate with the rings. Each ring has a ring hole into which a respective screw is disposed, the screws being anchored in bone of the patient. An intermediate series of spaced-apart balls connect the rings on the first end with the rings on the second end. Cylindrical connecting arms alternate with the spaced-apart balls.

Support for this claim is found on page 3 of the specification and in FIG. 1.

It is submitted that the Japanese reference does not suggest nor disclose the two series of rings on opposite ends of the device wherein the rings in each series are joined by alternating ribbon-like plates. The Japanese patent has no screws.

The title page and abstract of the Japanese reference were translated into English by a member of our staff who was born in Japan and is fluent in both Japanese and English. A copy of the English translation is enclosed herewith. The Japanese reference is directed to an adjustable length ornament. It is considered to be non-analogous art. There is no motivation for a person skilled in the art of surgical plates for mandibular

use to consider an ornamental device of the type taught by the Japanese reference. Further, the device of the Japanese reference is too unsubstantial to be considered in a surgical device where the health of the patient would be imperiled.

The prior art which was made of record do not suggest nor disclose opposite ends of a device having a series of rings alternating with ribbon-like plates. Neither do the references disclose screws disposed in holes in the rings or spaced-apart balls connecting the rings on the first end with rings on the second end. Even if combined in any manner, the references would not have the structure recited in claim 2.

Accordingly, allowance of claim 2 is respectfully requested.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Date

June 1, 2004

Respectfully submitted,

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Enclosure

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PATENT ABSTRACTS OF JAPAN

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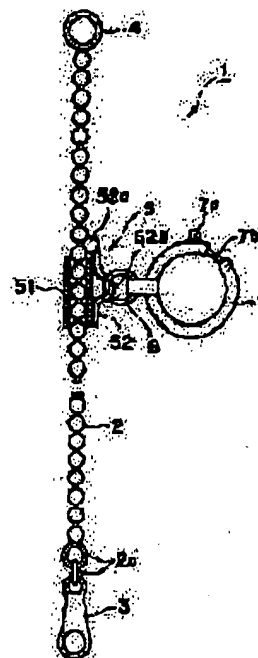
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(54) ADJUSTABLE-LENGTH ORNAMENT

(57)Abstract:

PROBLEM TO BE SOLVED: To provide an ornament that is freely adjustable in length according to a change in dress and in build or figure.

SOLUTION: The adjustable-length ornament comprises a chain 2 mounted at one end with a punched plate 3 and at the other with a stop ring 4, a length adjuster 5 including an elastic rod 52 with one end welded to a cylindrical part 51 in which the chain 2 passes and the other welded to a ball 52a, and a ring tab 7 coupled to the elastic rod 52 of the length adjuster 5 via a coupling ring 6. The ball 52a welded to the end of the elastic rod 52 engages the length adjuster 5 in place with the chain 2. Preset or larger force applied to the cylindrical part 51 to slide it on the chain 2 disengages the ball 52a and the chain 2 from each other.



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